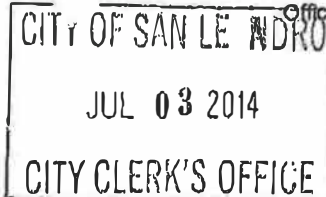


**CITY OF SAN LEANDRO**

City Clerk's Office
835 East 14th Street, San Leandro, CA 94577
Telephone: (510) 577-3366 Fax: (510) 577-3340

DATE RECEIVED
Office Use Only

**APPLICATION FOR APPEAL TO CITY COUNCIL****GENERAL INFORMATION**

This appeal application must be submitted within fifteen (15) calendar days of the decision, and within ten (10) calendar days of a Tentative Map approval. If the appeal period ends on a weekend or holiday, the time limit shall be extended to the next business day.

Please note that decisions of the Zoning Enforcement Official (ZEO) or the Community Development Director are appealed to the Board of Zoning Adjustments or the Planning Commission, depending on the specific project or issue. An Appeal Application to the Planning Commission/Board of Zoning Adjustments must be used for these appeals and is available at the Community Development Department.

APPELLANT INFORMATION (Please print)

Name:
HERON BAY HOMEOWNERS ASSOCIATION

Relationship to Project:

☒ Applicant ☐ Concerned Resident ☐ Other _____

Daytime Telephone Number:
(408) 536-0500 (General Counsel)

Email Address:
aabtwo@aol.com

Mailing Address:
c/o A. Alan Berger, 95 S. Market St., Suite 545, San Jose, CA 95113

An appeal is hereby submitted on the decision of:

☐ Board of Zoning Adjustments ☒ Planning Commission ☐ Site Development Sub-Commission ☐ Other _____

For the ☐ Approval or ☐ Denial of:

Planning (PLN) Permit Number:
PLN 2014-00007

Date of Action:
June 19, 2014

Project Address:
At intersection of Lewelling, Bayfront & Anchorage

Reasons for Appeal (List all grounds relied upon in making this appeal. Attach additional sheets if more space is needed):

See attached Exhibit A

Signature:

Date:
July 3, 2014

Please return the completed form with a fee for \$534 (payable to the City of San Leandro) to the City Clerk's Office at the address shown above. If the appellant is the applicant, direct costs for processing the appeal, which may include but are not limited to preparation of staff reports and meeting attendance, are charged in addition to the appeal fee.

Office Use Only**APPEAL APPLICATION**

Filed timely

☒ Yes ☐ No

Received by

Appeal fee

\$ 534.00 (attach copy of receipt)

CITY COUNCIL HEARING

Scheduled for

Checklist due on

cc: Planner

_____ to City Clerk's Office

**LAW OFFICES OF
A. ALAN BERGER
95 South Market Street
Suite 545
San Jose, CA 95113
Telephone: 408-536-0500
Facsimile: 408-536-0504**

EXHIBIT A TO THE APPLICATION FOR APPEAL TO THE CITY COUNCIL

I. Facts of the Case.

The appellant and applicant is the Heron Bay Homeowners Association (hereinafter referred to as "Heron Bay" or "the Association" or "the HOA"). This appeal is from a decision of the Planning Commission for the City of San Leandro, rendered on June 19, 2014, denying Heron Bay's application to install security gates in three locations on land owned by Heron Bay. The appellant argues and submits that the Planning Commission was in error in denying this application pursuant to the statutes, guidelines and general plan for the City of San Leandro.

In summary, Heron Bay proposes to install a controlled access gate system at no cost to the City of San Leandro at the entrance to the community, which community is comprised of 629 homes. The reason for the application and the need for the controlled access gates is based upon an increase in violent crime within the Heron Bay complex within the past several years and, more particularly, within the past several months. During that time period, there have been a homicide, two strong-armed robberies, home invasions with the residents present and several other crimes with personal injury to members of the community. These violent and disturbing crimes have been committed by persons who have entered the private streets of Heron Bay obviously looking for crimes of opportunity. These criminals have been observed to roam the streets of Heron Bay looking for an opportunity to commit crimes (purse snatching, car break-ins, etc.) and have struck when they see an individual typically alone and without defenses. There have also been numerous crimes committed during the past two years involving property that presumably have also been perpetrated by persons coming to the complex from other parts of the city or cities near San Leandro. We will consider these heinous crimes in more detail elsewhere in this appeal.

The residents of Heron Bay are understandably concerned that they, presumably because Heron Bay represents a higher income area that other sections of San Leandro, have become targets for violent criminals. Also Heron Bay is an isolated section of the City abutting no other similar neighborhoods or businesses. While the police response has been acceptable after the incidents are reported, the fact that the police respond in a timely fashion offers the residents no comfort and feeling of safety. The fact of the matter is that the residents feel that they must take pro-active steps to protect themselves from the commission of the crimes that will be committed rather than wait for police action after the fact. The residents will not and should not feel safe until they have added

protection from the commission of the crimes at the first instance. With this goal in mind, the board of directors of Heron Bay, within the last several months, has hired security guards that utilize movable barrier gates to sit at the entrance to the complex from dusk to the early hours of the morning. This tremendous added expense to the Heron Bay budget has not proved effective and, of course, offers no protection to the residents when the guards are not at their posts. The HOA has also retained private security forces to cruise the neighborhood in an effort to discourage criminals from entering the complex. Again, these efforts, while expensive, have not provided a satisfactory solution. Criminals simply wait until security guards finish their drive-through and then enter the unguarded complex to commit crimes of opportunity.

*Commentary
p. 67, 01*

The lack of success of these attempts to provide additional security and the growing concern of the residents of Heron Bay for their own personal safety caused the board of directors to retain an expert consultant in land use, zoning and security by the name of Mr. Jeffery Tepper. After a thorough study of the Heron Bay situation, it was concluded that the only effective method that Heron Bay could employ to give the residents added protection would be to install a controlled access gate system. The gate project was put out to bid and the board selected Bay Cities to design the actual system. The project itself represents a very expensive endeavor. The board was also aware that the expenditure of a large sum of money for a capital expenditure that was not in the HOA budget required the vote of the membership (each owner of a home in Heron Bay is an automatic member of the association). As the Honorable Council members are no doubt aware, it is an extremely daunting task for any homeowners association to obtain the approval of the majority of the membership for a major capital expenditure. We would ask the Council members to remember that the HOA is a non-profit corporation whose only source of income is from the assessment of the owners. Notwithstanding the typical difficulty in obtaining an affirmative vote for a special assessment, the members of Heron Bay voted 78% in favor of funding the access gate project. This is an outstanding percentage and clearly demonstrates the desire of the members to move forward with this project.

The aforementioned gate project is subject to permit and the permit application is PLN 2014-00007. The hearing on that permit application was conducted on June 19, 2014. On the staff recommendation the Planning Commission voted against the granting of the permit and it is on that action that this appeal is taken. The following comments set forth the basis supporting this appeal. They are submitted for the City Council's consideration in support of an approval of the gate project based on the clear need of the homeowners at Heron Bay for added security.

Heron Bay would first submit to the Honorable Council members a document dated June 19, 2014 and presented to the Planning Commission and to Tom Liao and Elmer Penaranda by Mr. Tepper, the expert consultant retained by the HOA. This memorandum sets forth the factual and legal reasons for the permit application and outlines the HOA's arguments that were made to the Planning Commission prior to and at the June 19th hearing. A true copy of that memorandum is marked as

Exhibit 1 to this appeal and made a part hereof by reference as if set forth fully herein.

Heron Bay would similarly submit a supplemental Crime Analysis for the time period May 9, 2011-May 8, 2014, which document was also submitted to the Planning Commission for their consideration. A true copy of that document is marked as Exhibit 2 to this appeal and made a part hereon by reference as if set forth fully herein.

II. The General Plan Does Not Provide Sufficient Legal Basis for a Denial of the Permit.

The single legal ground on which the City Staff may rely in recommending a denial of the access gates is found in the General Plan. Chapter 3.2 of the General Plan, Section 2.10 entitled "Gated Communities" is relied upon and cited by City Staff. That section reads as follows: "Unless overriding public safety considerations exist, discourage the development of "gated" communities or the gating of already developed neighborhoods or subdivisions." Heron Bay has no argument with the overriding concern of the City Planners to eliminate the look of gated communities. There are no reasons or objective standards stated for this policy but it must be concluded that the reasons are primarily aesthetic and represent a desire for free-flowing neighborhoods. Staff and more than one Planning Commissioner stated that the City wanted to insure that persons could flow from neighborhood to neighborhood within the City thereby increasing the fellowship and community that might result from such flow.

The problem is that Heron Bay is uniquely located geographically so as to make such a consideration meaningless. Heron Bay is almost completely self-contained. It sits at the end of Lewelling Boulevard and is generally bordered on three sides by the bay marshes, the bay and San Leandro Creek. There are no abutting neighborhoods that would have free flow into Heron Bay and the streets and sidewalks within Heron Bay are private in any event. Any concern that the proposed gates would prevent this community consideration must be without merit because there is no chance whatsoever that members of adjoining communities, of which there are none in the area with any type of reasonable access, would flow into Heron Bay and vice versa.

There can be no aesthetic basis for the denial of the permit. As stated in the memorandum of Mr. Tepper, Exhibit 1 to this appeal, the gate system proposed will be extremely attractive and will enhance the look of the entrance to the Heron Bay property. There are three gates proposed. One on Anchorage Drive that will not be visible to any member of the public unless that person drives down Lewelling to the entry circle. As members of the public are not allowed to park at the circle and are not allowed to enter the private streets of Heron Bay for parking, they would have no legitimate reason to make such a trip. All cars within the Heron Bay complex that do not have resident or guest stickers are towed. Therefore, the presence of the proposed Anchorage gate should have no negative effect on the subjective reasons presumably supporting Section 2.10. Similarly the gate that is proposed to border the existing private park to the north of the circle would not be visible to any member of the public who are not residents of Heron

Bay. Finally, the access gate proposed for Bayfront should have no aesthetic effect on the general public. Again, the only area where this gate would even be visible would be someone driving on Lewelling to the entry circle. The placement of this gate should offer no reason for the City to deny the permit based on the general plan. The gates are attractive and not visible to the public except in exceptional circumstances. In fact, it should be noted that the City Staff raised no issues with the design and the look of the gates from an aesthetic consideration.

When drafting the General Plan, Section 2.10, the planners provided an exception to the policy that should be controlling in the matter of this permit application. The language states: "Unless overriding public safety considerations exist...". The HOA has clearly presented a compelling case for the fact that public safety dictates that this permit should be allowed.

Mr. Tepper's report in Exhibits 1 and 2 clearly demonstrates that the crime recently reported in Heron Bay justifies the application of this exception. Even ignoring the hard data crime statistics submitted as evidence, the public outrage regarding public safety within Heron Bay as expressed at the June 19, 2014 hearing was overwhelming.

Seventeen Heron Bay homeowners addressed the Commission in favor of these gates. Many of them were overcome by emotion while testifying. Several owners stated that they did not want to be the next victim. Several owners testified that they have seen persons who are not residents cruising the private streets of Heron Bay looking for cars to break-into and persons to attack. Two residents saw persons park their cars, leave the engines running and then break into resident's cars parked in front of their homes. One resident spoke of confronting a burglar within his home. One owner described coming home at night and having a car pull up behind him in order to rob him. One owner described getting "beat up" by persons from a cruising car just three weeks ago. He commented that he had no weapon to defend himself but that he was seriously considering arming himself for any incidents in the future. Surely the City Council does not want the residents of Heron Bay to resort to vigilante tactics when the presence of entry gates could substantially eliminate the threat posed by criminals in cruising cars. Another resident spoke of how his sister-in-law was the victim of a violent mugging wherein her face was smashed into the car. He stated that his own relatives will no longer visit him at Heron Bay because they perceive it to be too dangerous. Another owner testified that the homicide victim was his neighbor and that he himself was the victim of burglary in his home and garage. He also expressed an interest in arming himself. Another resident testified that he has been the victim of crime within Heron Bay on no less than four occasions. He opined that the root cause is the fact that criminals in cars have easy escape routes from Heron Bay to major streets and highways. He clearly felt that the presence of access gates would eliminate this threat in that cars would not be allowed to roam the complex and that most criminals would not want to commit a crime in an area that had a gated exit. Another owner expressed her concern that property values would decrease in Heron Bay and in San Leandro as a whole as the result of an "economy of fear." She stated that studies in the past ten years have clearly demonstrated

that access gates will have a tendency to reduce crime rates. Another resident stated that he has a cousin who will no longer come to visit.

The testimony was simply overwhelming in favor of the approval of the gates. Exactly three individuals stated that they did not want the gates. One was from Washington Manor who stated that he had just moved in and was upset that he could not park within the Heron Bay property. We would note that residents of Washington Manor would not be allowed to park in Heron Bay regardless of whether or not there were gates.

The above testimony clearly places the Heron Bay application within the exceptions of the Section 2.10 mandate. The section refers to "unless there are overriding public safety considerations". There clearly are overriding public safety considerations demonstrated that would mandate that the City Council approve the Heron Bay application. It is hard to imagine that this City Council would find that a homicide, that having a resident's face smashed into a car, that a resident being surprised by a burglar and the myriad of other crimes noted within Heron Bay in the past two years would not constitute an "overriding public safety consideration."

It is interesting to note that City Staff had a police lieutenant present at the Commission hearing. He tried to explain the reported crime statistics for District 4. While his testimony was generally not on point and inconsistent, it is the HOA's position that City Staff's attempt to submit crime data for District 4 is not relevant to the considerations at hand. The question, if it is relevant at all, would be is there an increase in violent crime within Heron Bay as opposed to other areas of the City. It is interesting that the lieutenant was not asked whether or not in his opinion the presence of gates would reduce crime in the area. We believe that this is certainly true but even this fact is not representative of the standard established in the General Plan, Section 2.10. That section says nothing about having to prove that crime is higher in the district in which the applicant's property is located as compared to other parts of the city. There is no such standard stated. The Staff has simply raised this as an issue in an inexplicable effort to block this application. The legal standard as established by the relevant section is only is there an overriding public safety concern. Taking into consideration the crime statistics presented, the testimony of 17 passionate residents, the unchallengeable proof of major crime being committed by persons cruising the private streets in automobiles, this City Council cannot conclude that there are not public safety considerations that would justify, if not mandate, that the permit be granted. The City Council's stated purpose is to protect the interests of the residents of San Leandro. The Heron Bay residents by a 78% affirmative vote have asked the City to allow them to protect themselves. To deny this application would be to commit reversible error.

III. The Presence of the Access Gates Would Eliminate Legally Mandated Public Access.

This proposition presented by City Staff and accepted by the Commission is without legal support and must be disregarded. The HOA freely admits that access to the bay marshlands and the trails is of great importance to the City and to the surrounding

residents. The HOA has never proposed that public access to the protected areas be limited or eliminated. In fact, it would not even be in the power of the City to do so should they be so inclined. The issue of public access to the protected areas has been seriously twisted by City Staff. The following represents the HOA's argument that the required public access will not be affected by the proposed gates. The Council members should also note that all questions regarding public access apply only to the Bayfront gate. The gates on Anchorage and the gate to the existing private park have nothing to do with access to the protected areas.

Early on the San Francisco Bay Conservation and Development Commission (BCDC) has been involved in this application. In fact, the HOA contends that the BCDC is the agency charged with protecting the public access to the areas in question. The City is only peripherally involved as will be discussed later. When the plans for the subject gates were first submitted, Ms. Ande Bennett of BCDC contacted the HOA and reminded them that a permit granted and recorded on July 6, 1994 between Citation Homes and BCDC guaranteed public access to the protected areas. Ms. Bennett was initially concerned because that permit detailed the requirements for public access. She was concerned that the 4-foot wide pedestrian gate to be placed in the Bayfront gate was to be locked from Sunset to Sunrise every day which was the position taken by the HOA in the original application. The HOA board of directors immediately met on June 11, 2014 and voted to have the pedestrian gate remain open 24/7. This would presumably eliminate the original objection to the proposal from BCDC. Counsel for the HOA wrote BCDC and advised Ms. Bennett of that modification. A true copy of that letter is marked as Exhibit D to the Tepper memorandum, Exhibit 1 to this appeal. As an aside it was also pointed out by BCDC that Citation had never formalized an agreement to guarantee public access and that one needed to be completed. The HOA, although they had no responsibility in this original oversight, has agreed to complete whatever applications need to be made in the near future. It should also be noted that BCDC advises that the City similarly failed to provide a written agreement and that they also have been given a deadline for completion.

On June 19, 2014, the day of the Commission hearing, the HOA received another letter from BCDC stating that they may have an issue with the width of the existing public access on Bayfront. The HOA has pledged to resolve these issues with BCDC but this late comment has nothing to do with the presence of the gates. The most important fact to be taken from the BCDC conversations is that BCDC has jurisdiction over the public access, a fact admitted by City Staff at the hearing, and that there is no requirement for vehicular access established by BCDC. **The permit does not require vehicular access and nothing in any of their communications require vehicular access.** The staff's efforts to inject this argument into the permit consideration is without legal support. The HOA has pledged that they will work with and resolve the issues of public access with BCDC. However, the Catch 22 in the discussion is the fact that BCDC will not discuss the matter of the proposed gates and public access with the HOA unless and until the City grants a conditional permit. It is incumbent upon the City to grant the permit conditionally upon BCDC approval. If BCDC does not grant approval or an amended permit, then the gates will not be built. If BCDC does grant approval or an

see Cynthia
Jonning email
date:

first letter to
BCDC June 12th
responding

2nd letter to
BCDC

True

focus of
next
letter

amended permit, then the City has no right to demand a differing or more strict interpretation of public access. There is no law or facts supporting such a position and the City cannot simply impose a stricter requirement without hearings and legal support. The City should not deny the HOA's attempt to secure BCDC's permission for the gate based on a legal interpretation that is superseded by the BCDC's authority. The City should grant the conditional permit based on the above-stated reasons and allow the BCDC to make the appropriate decisions regarding public access.

No attempt made by phone call or letter.

Let us now consider the mandates of Tract map 6810 under which this project was constructed. That map was dated July 1996 and the relevant Owners Statement, which language was approved by the City and presumably approved with full knowledge of the BCDC permit requirements of two years earlier, define the public access required. In the 3rd paragraph of the owners statement on map 6810 it is stated:

"And said over (sic: owner) hereby dedicates to the public forever, an easement for public ingress and egress to access the public trails, wetland buffer areas, and public interpretive center over, upon, and across those certain strips of land designated as "P.A.E." (Public Access Easement) as delineated on this map."

BCDC permit requires 8' path 2 ft shoulder with shoulders

The HOA argues that all of these conditions stated in this statement have in fact been completed. Presumably the City inspected this project to insure that these conditions had been fulfilled. Nothing in the present application will affect guaranteed access. If the Council members will review Tract Map 6810, they will see that to the north of Bayfront on Sheet 4, a Public Access Easement (PAE) exists on the sidewalk and on Bayfront from the Circle to the public lands. These easements are currently covered by sidewalk and by the street. There is nothing in the proposed gate on Bayfront that would affect this easement. The pedestrian gate is 4 foot wide. Notwithstanding staff's comment to the contrary, it is hard to imagine any person or bicycle or skateboard that would not fit through a 4-foot gate. After they pass through the gate, their access via street or sidewalk to the public lands is unrestricted. The required access before the proposed gate and the required access after the proposed gate is unchanged. The only relevant issue is access through the pedestrian gate itself which is sufficiently adequate to satisfy all of the requirements as established in Tract Map 6810. And again, BCDC will ultimately decide what access is required. But it is without controversy that the HOA cannot even get the matter to BCDC for consideration unless the City grants a conditional permit.

IV. Unequal Protection.

The City Staff, and subsequently the Planning Commission, has held that the controlled access gate system requested by Heron Bay constituted an undesirable precedent. This statement is inappropriate in that the City has approved gated communities in the past. More particularly, the City recently approved the application for gates for the Floresta Gardens Condominiums. Having approved said application, which community is subject to the same General Plan as is Heron Bay, the City should approve Heron Bay's conditional permit. It is disingenuous to cite Heron Bay's application as an undesirable precedent some thirty days after approving a similar gate scheme.

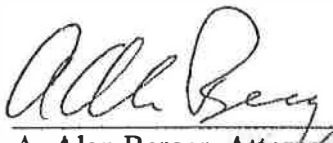
V. The Proposed Gate at Anchorage.

The City Staff, and subsequently the Planning Commission, concluded that putting the proposed gate at the Anchorage Drive entrance (which gate has nothing to do with the public access argument) would cause increased traffic on Anchorage. This argument is specious and without merit. There are no traffic studies prepared by the City and no factual basis for staff's conclusion that traffic would be increased on Anchorage. Even if this were true, and there are no facts to support that conclusion, the fact of the matter is that Anchorage is a private street. If traffic would be increased, this would only affect the residents and guests of residents of Heron Bay. Presumably, the residents who voted to approve the gate project would have considered traffic before casting their votes. Nevertheless, the City has no viable interest in traffic on Anchorage on the private side of the gate.

VI. Emergency Response.

City Staff and subsequently the Planning Commission decided that emergency response may be affected by the presence of gates. This argument is again without merit. The system was designed to allow fire trucks to pass through either side of the gates. Arguably a fire truck would be the widest emergency vehicle that may have the need for emergency access. The system is also equipped with Knox boxes that allow the fire department or emergency services to open the gate in an emergency. The system was further designed that if the Knox box were activated, both the gates on Anchorage and Bayfront would open and stay open until the end of the emergency. Therefore, any argument regarding emergency access on Anchorage would be without merit. Knox boxes are specifically designed to give emergency access. Any argument that the presence of gates equipped with Knox boxes would prevent timely emergency access is without merit. There was no evidence and no opinion from the Fire Department or Fire Marshall regarding this application. It would seem to the HOA that the City Staff was raising this argument without any factual basis in their continuing effort to deny the gates. The gate company selected to do the work, should it be approved, is very experienced with the requirements for emergency response and has planned for those contingencies. The HOA would also point out again that the City approved Floresta Gardens' gates and that they would have had the same emergency access issues. What is not a problem for Floresta Gardens should not be a problem for Heron Bay.

Respectfully submitted,



A. Alan Berger, Attorney for Heron
Bay Homeowners Association

Memo to: Tom Liao, Secretary to the Planning Commission, City of San Leandro
Cc: Elmer Penaranda, Senior Planner
Re: Heron Bay HOA Application File # PLN2014-00007
From: Jeff Tepper, on behalf of Heron Bay HOA
Date of hearing: June 19, 2014

Confirming our previous conversation, I represent the Heron Bay HOA in the matter of their application for permission to erect a controlled access gate system at the entrance to the community. Please distribute this memo to all members of the Planning Commission for their review and consideration prior to the scheduled hearing.

The issues before the Planning Commission can be summarized as:

- Bay Trail Access
- City Policy Regarding Gates and Exceptions to that Policy
- Design of Proposed Gate System
- Operation of Proposed Gate System

Heron Bay HOA is a self governed community consisting of 629 homes, common areas, sidewalks, and roadways, all of which are on private property. In response to increased criminal activity in the neighborhood over the past year and a demonstrated escalation in violent criminal acts by criminals from outside the neighborhood, the overwhelming majority of the residents of Heron Bay HOA have committed to assess themselves for the cost of design and installation of a controlled access system limiting access to people, including members of the public, who have legitimate and lawful reasons for being on the property. The HOA is not seeking any public funding for the construction or operation of this project.

Bay Trail Access

The public access along Bayfront Drive is currently open to the public 24 hours per day, 7 days per week and has been since the inception of the Heron Bay HOA. The HOA welcomes members of the public wishing to access the Bay Trail at the end of Bayfront Drive for recreational purposes and plans to continue with that practice. not visibly

Contrary to Staff's conclusion about original intent of the easement for Bay Trail access, one must consider that the process culminating in what exists today was the result of a long and drawn out effort with many ideas and discussions about the restoration of the marshlands and the establishment of this segment of the Bay Trail during the process. Eventually the details were agreed upon and are reflected in the Final Tract Map 6810 approved and signed by all interested parties including the City and recorded April 9, 1997. It specifically allows for pedestrian/bicycle access (PAE) to the Bay Trail. While this recorded map does refer to vehicles, such reference is limited to private vehicle access for the residents themselves who live within the community and for emergency and service vehicles accessing utilities. The final tract map does not provide for motorized vehicular access through Heron Bay to the Bay Trail.

Several weeks ago I had the opportunity to speak with Ande Bennet, Coastal Program Analyst with BCDC, the regional authority with jurisdiction over the Bay Trail and its access. In that

conversation she voiced BCDC concern over pedestrian and bicycle access being limited by locked gates between sunset and sunrise as is the practice in places such as Palo Alto for the Baylands segment of the Bay Trail. Exhibit "A" Exploring the segment of the Bay Trail that heads south from the San Leandro Marina, one finds that the Bay Trail contains signs which specify a 10:00 p.m. closing of the Bay Trail. Ultimately the hours of operation for the proposed pedestrian gate will be subject to approval by BCDC.

It is interesting to note that BCDC has Public Access Design Guidelines which include reference to: **"Designing public access spaces that are safe and secure"** [exhibit "B"]

And,

"Reasonable rules and regulations may be imposed on the use of the public access areas to correct particular problems that may arise such as the lack of public safety protections or increased vandalism. Rules may include restricting hours of use and delineating appropriate behavior" (emphasis added)

The HOA, through it's legal counsel, is committed to working with BCDC to develop a workable solution that has a minimal impact on members of the general public using the Bay Trail adjacent to the Heron Bay neighborhood. Procedurally, Ms. Bennett advised me that BCDC expects the City of San Leandro to act on this application first. Once the City and the HOA have reached an accord, BCDC then reviews the conditional approval as an application to amend the permit which resulted in the initial easement to determine what modifications, if any, need to be made to the original permit.

To clarify, ABAG in its web site describing the Bay Trail acknowledges that the access along BayFront Drive is located on private property and that Bay Trail users accessing the trail through Heron Bay should respect the private property rights (including restricted parking) of the residents.[Exhibit "C"]

With all that being said, I am pleased to report that the HOA Board of Directors has authorized me to amend the operational parameters of the proposed controlled access system to provide that the pedestrian gate will remain unlocked at all times. All of the effort to find reasons to deny the application on the basis of a public access easement encroachment should now be behind us. See Exhibit "D".

City Policy Regarding Gates and Exceptions to That Policy

The City of San Leandro's philosophical choice to discourage the development of gated communities is clear. Just as clear is the exception **"Overriding Public Safety Considerations"** In the years since the Heron Bay Neighborhood first became a part of the City of San Leandro many aspects of modern urban life have changed, some within the City of San Leandro, some outside of San Leandro.

At the core of this issue is an undeniable increase in violent criminal activity in the Heron Bay neighborhood perpetrated by trespassers. Reported crimes included are: Burglary, Auto Theft, Theft, Vandalism, Strong Arm Robbery, Assault, Battery, and Homicide. The key trend is that criminals are engaging in consistently more violent acts in the perpetration of their crimes. There is no denying the

fact that Heron Bay residents do not feel safe in their own neighborhood. Consider further that it is entirely possible that a future victim of such violent attacks could just as easily be a law abiding innocent Bay Trail user as a Heron Bay Resident or guest.

The crime data included in the materials submitted by staff for your review and consideration are less than illustrative of the actual criminal activity and the trends in the Heron Bay neighborhood of San Leandro. The City web site contains a link to www.CrimeReports.com which allows for a manual tabulation of all police reports connected with the Heron Bay area of San Leandro going back 6 months. Exhibit "E" lists the total number of "incidents" (criminal and otherwise) for each block of time. I have identified the number of alarm calls as well. More interesting is Exhibit "F" which is a selected sample of incidents that appear by description to be criminal in nature. This exhibit includes 68 separate incidents over the past 6 months and are identified by date and ID number which is, presumably, the police report number. Conspicuously absent from the Internet listing are two strong arm robberies and batteries committed as recently as May 29th and June 7th involving Heron Bay residents being victimized by trespassing criminals that have access to the neighborhood by reason of the open entrance along Bayfront Drive.

Additional factors to consider include the relatively remote location of the Heron Bay neighborhood at the end of Lewelling Blvd separated from the rest of the City by railroad tracks, and surrounded on three sides by marsh lands that contain the Bay Trail. A practical result of this geographic isolation is the delay in police response which can be a deciding factor in the outcome of a violent criminal act occurring within the Heron Bay neighborhood. The violent crimes that afflict this neighborhood are crimes of opportunity made easier by the relatively secluded nature of the neighborhood. Controlling access to the neighborhood with the vehicle gate system makes the neighborhood a less attractive target by creating a higher level of security.

Further, suggestions such as security cameras are, at most, effective in recording the criminal act, the aftermath, or at best an image of the perpetrators, not in preventing the crime itself.

Last, but not least, precedent as recently as last month with the Floresta Gardens proposal supports the idea that upon good showing, which has been done here, **overriding public safety considerations** are good cause for an exception to the general preference regarding gate systems.

Design of proposed gate system

The staff report contains no reference to design or esthetic deficiencies in the drawings submitted with this application. Further the location of the main vehicle/pedestrian controlled access system some 55 feet inside the development should be a sufficiently large visual buffer to mitigate any concern about the esthetic impact of the project. By reasonable inference, there are no issues from a Planning perspective.

Operation of proposed gate system

The Staff report repeats BCDC concerns regarding impact of a gate system on the Bay Trail Public Access. Ultimately, BCDC has the jurisdiction to approve, suggest amendments, or deny an application seeking

permission to modify the current public access permit parameters. To reiterate, the HOA looks forward to working with BCDC at the appropriate time to reach a positive outcome for everyone.

Staff has noted a couple of other possible operational questions relating to possible stacking of cars at the main gate or the response time for emergency vehicles having to navigate through the gates. We have made ourselves available for consultation and remain ready and willing to work with Staff and appropriate City Agencies in identifying acceptable operational alternatives that mitigate these concerns.

Conclusion

This evening the City of San Leandro has an opportunity to once again work collaboratively with its residents to achieve a positive outcome in a proactive way that is reasonable, appropriate, and prudent. Please ask yourselves: "What legitimate public purpose is served by denying the residents of Heron Bay permission to secure their neighborhood, at their own cost, and to protect each other from the violent criminal acts of trespassers?"

On behalf of the Residents of Heron Bay I urge you to grant the permit application conditioned upon BCDC signing off on the pedestrian gate operational parameters as they affect Bay Trail access.

Respectfully Submitted,

Jeff Tepper

Consultant to Heron Bay HOA



CITY OF
**PALO
ALTO**

2014 OPEN SPACE HOURS



JANUARY	1	(Wednesday)	-	JANUARY	17	(Friday)	8:00 am - 5:30 pm
JANUARY	18	(Saturday)	-	FEBRUARY	14	(Friday)	8:00 am - 6:00 pm
FEBRUARY	15	(Saturday)	-	MARCH	8	(Saturday)	8:00 am - 6:30 pm
MARCH	9	(Sunday)	-	APRIL	18	(Friday)	8:00 am - 8:00 pm
APRIL	19	(Saturday)	-	MAY	16	(Friday)	8:00 am - 8:30 pm
MAY	17	(Saturday)	-	AUGUST	3	(Sunday)	8:00 am - 9:00 pm
AUGUST	4	(Monday)	-	AUGUST	24	(Sunday)	8:00 am - 8:30 pm
AUGUST	25	(Monday)	-	SEPTEMBER	14	(Sunday)	8:00 am - 8:00 pm
SEPTEMBER	15	(Monday)	-	OCTOBER	5	(Sunday)	8:00 am - 7:30 pm
OCTOBER	6	(Monday)	-	NOVEMBER	1	(Saturday)	8:00 am - 7:00 pm
NOVEMBER	2	(Sunday)	-	DECEMBER	31	(Wednesday)	8:00 am - 5:30 pm

**CITY OF PALO ALTO
COMMUNITY SERVICES
OPEN SPACE DIVISION**

Foothills: 650-329-2423 Baylands: 650-617-3156

www.cityofpaloalto.org/openspace

open.space@cityofpaloalto.org

Shoreline Spaces

PUBLIC ACCESS DESIGN GUIDELINES FOR THE SAN FRANCISCO BAY

April 2005

San Francisco Bay Conservation and Development Commission

This publication was prepared with financial assistance from the National Oceanic and Atmospheric Administration's Coastal Impact Assistance Program.

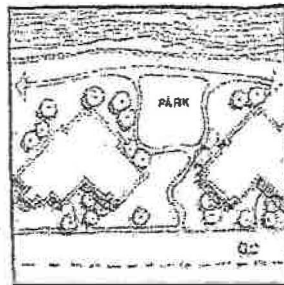
EXHIBIT "D" page 194

Objective No. 1 – Make Public Access PUBLIC

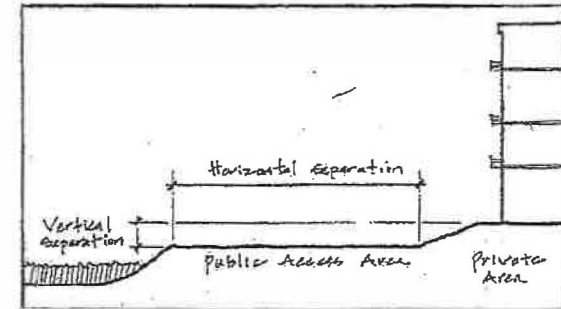
Shoreline areas are most utilized if they provide physical public access to and along the shoreline and visual public access (views) to the Bay from other public spaces. Shoreline areas should provide clear connections to public rights-of-way, be related to the adjacent uses and be designed, built and maintained in a way that indicates their public character. Public access areas must be designed in a manner that "feels public." Of course, the degree to which a space feels open and inviting is subjective. The goal, therefore, should be to design public access areas in a way that makes the shoreline enjoyable to the greatest number of people.

THIS OBJECTIVE MAY BE ACCOMPLISHED BY:

- Developing shoreline access so that the San Francisco Bay Trail or shoreline path is the primary design element.
- Designing public access so that the user is not intimidated nor is the user's appreciation diminished by large nearby building masses, structures, or incompatible uses.
- Creating delineation between public areas and private development — use fences, planting, elevation and signs where private or conflicting uses are proposed.
- Using site furnishings, such as benches, trash containers and lighting, to provide visual cues that the shoreline space is available for public use.



Public access should feel "public."



Horizontal and vertical separation can create a clear delineation between public access areas and the private areas of the adjacent development.



The trail in this photo is sufficiently wide to accommodate a variety of users. As the primary shoreline element, it is located so that neither resident nor trail user is affected by the proximity of the other.
The Landing at Jack London Square, Oakland

EXHIBIT B
Page 2 of 4

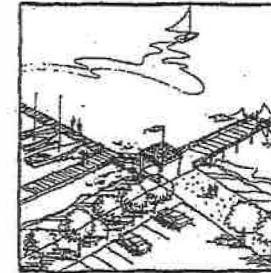
Objective No. 2 – Make Public Access **USABLE**

Shoreline access areas are most enjoyed when they are designed and built to encourage diverse, Bay-related activities along the shoreline. The varied conditions of the San Francisco Bay shoreline and each site's historical, cultural and natural attributes provide opportunities for creating projects with a "sense of place" and a unique identity. View opportunities, shoreline configuration and access points are factors that determine a site's inherent public access opportunities.

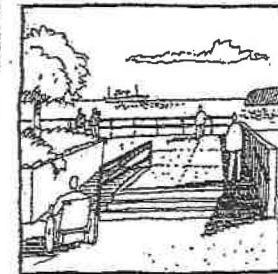
Public access improvements should be designed for a wide range of users. While some shoreline areas are best suited for quiet and contemplative public spaces, others lend themselves to be used for large public gatherings, such as festivals, outdoor markets or exhibits. In remote natural locations, simple trail systems may be all that is needed. Within every project, public access should be designed to respect all visitors' experiences of the Bay. Highly active uses should always be balanced with opportunities for passive activities, such as strolling, viewing and relaxing.

THIS OBJECTIVE MAY BE ACCOMPLISHED BY:

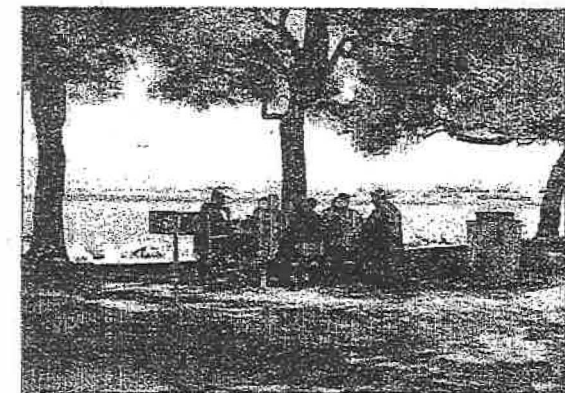
- Taking advantage of existing site characteristics and opportunities, such as fishing, viewing, picnicking, swimming or boating.
- Providing opportunities to get close to the water or access the Bay by incorporating facilities such as tidal stairs, ramps or floating docks.
- Maximizing user comfort by designing for the weather and day and night use. Buildings and structures should be sited to create "suntraps" with protection from prevailing winds. Shade structures provide protection from the sun. Lighting helps extend the hours of shoreline use.
- Providing children's play opportunities that have an artistic theme or an educational function.
- Incorporating accessibility improvements into public access areas. For additional information, refer to the U.S. Access Board's Design Guidelines (www.access-board.gov) and the California Building Code.
- Designing public access spaces that are safe and secure.
- Providing interpretation of historical, cultural or natural attributes of the site.
- Providing public parking for convenient access to the Bay.
- Provide basic public amenities, such as trails, benches, play opportunities, trash containers, drinking fountains, lighting and restrooms that are designed for different ages, interests and physical abilities.



Take advantage of site opportunities, such as fishing and boating.



Design for persons with disabilities.



Provide basic public amenities and maximize user comfort with shaded seating or protection from the wind.
Marina Park, San Leandro

VI. MANAGEMENT ISSUES

"Public access areas and improvements along the shoreline are usually required to be maintained by and at the expense of the BCDC permittee(s)."

As a condition of approval of most shoreline developments, BCDC permits usually contain "special conditions" that ensure that the authorized public access areas will be used properly, managed for the public's safety and enjoyment and reasonably maintained. The following are some common BCDC requirements for managing public access areas along the shoreline of the Bay:

- **Responsibility for Public Access Areas**

Once a BCDC permit is issued, the permittee is typically responsible for ensuring that the public access area and associated improvements are installed, used and maintained in accordance with the permit. Public access areas are often required to be dedicated to a public agency or otherwise permanently guaranteed, usually through a legal instrument, for the exclusive use by the public.

- **Uses Within Public Access Areas**

Shoreline spaces that are dedicated as public access areas are typically made available exclusively to the public for unrestricted uses, such as walking, bicycling, sitting, viewing, fishing, picnicking, kayaking and windsurfing. If someone wishes to use the public access area for uses other than those specified by the BCDC permit, prior written approval by or on behalf of the Commission is usually required.

- **Reasonable Rules and Restrictions**

Reasonable rules and restrictions may be imposed on the use of the public access areas to correct particular problems that may arise, such as lack of public safety protections or increased vandalism. Rules may include restricting hours of use and delineating appropriate behavior. Such limitations, rules and restrictions typically have to be approved by BCDC upon a finding that the proposed rules would not significantly affect the public nature of the area, would not unduly interfere with reasonable public use of the public access area and would tend to correct a specific problem that has been both identified and substantiated.

- **Maintenance of Public Access Areas**

Public access areas and improvements along the shoreline are required to be maintained by and at the expense of the BCDC permittee(s). Such maintenance usually includes: repairs to all path surfaces; replacement of any landscaping that dies or becomes unkempt; repairs or replacement of any public access amenities such as seating areas, restrooms, drinking fountains, trash containers and lights; periodic cleanup of litter and other materials deposited within the access areas; removal of any hazards in or encroachments into the access areas and assuring that public access signage remains in place and is clearly visible. To reduce on-going maintenance requirements, public access areas should be built with durable materials and using high-quality construction methods.

EXHIBIT "B" page 444

San Leandro: San Lorenzo Creek to Marina Park



Introduction

The area along the Bay north of the mouth of San Lorenzo Creek in San Leandro was once known as Roberts Landing. This was the site of Alameda County's first shipping venture. Captain William Roberts established the port in 1851 to take locally-grown hay, fruits, and vegetables across the Bay to San Francisco. Warehouses and docks were built here along the slough. Flat-bottomed two-masted scow schooners sailed in and out of the slough at high tide. Roberts Landing lasted until the 1870's. It was put out of business, like many other transportation ventures on the Bay, by the transcontinental railroad.

In 1900, this area became the site of the Trojan Powder Works, which operated here until 1963. It produced ammunition during World War I and made explosives which were used in the construction of the Panama Canal. Marshes were diked and filled for the powder factory. In later years, the rich, fertile marsh soil here was used for farming. Dikes were built to create dry land for farming. This caused the remaining marsh lands to sink, which increased their salinity and reduced their productivity. These developments altered and destroyed the original marsh environment.

Currently, new housing developments are being built here. However, the developers have cooperated with the city of San Leandro to restore 406 acres of the historic marshland between the new housing and the Bay. Fill was removed, and dikes were lowered and removed. Channels were built to provide tidal flow to the farthest reaches of the marsh. This has improved conditions for marsh vegetation and wildlife, including the endangered clapper rail and salt marsh harvest mouse. New paved trails, with interpretive kiosks and benches have been built here to provide access to San Lorenzo Creek, the marsh, sloughs, and the Bay.

The Bay Trail in San Leandro from San Lorenzo Creek to Marina Park runs through the restored marsh next to the new subdivision, follows right along the edge of the Bay, crosses a flood control channel, and ends up at Marina Park. It passes by pickleweed marshes, sloughs, mudflats, and sandy and rocky beaches. The trail is paved and wide for its entire length. It is very popular with joggers, skaters, bicyclists, and families out for a stroll. Near the Bay, a wide dirt trail runs next to the paved trail. Near Marina Park, the trail runs between the Bay and a golf course. A unmarked network of dirt and gravel trails provides access to different parts of the marsh and the Bayshore. The dirt trails are only accessible to walkers and bicyclists, so are less crowded.

All the wetland areas along the trail are connected to the Bay, so they are under tidal influence. Their appearance and conditions are greatly affected by the tides. At high tides, the sloughs and marshes fill with water, while the Bay laps

against the riprap-protected shoreline. At low tides, mudflats appear on the edges of the slough. The shoreline by the bayshore extends far out into the Bay on sandbars, rocky shoals, and mudflats.

The virtual tour below starts on the new Heron Bay Trail, heads to San Lorenzo Creek, explores the Roberts Landing marsh area on dirt trails, heads along the paved Bay Trail to the edge of Marina Park, and returns. The next segment of the Bay Trail to the north begins at Marina Park, runs around the San Leandro Marina, uses city streets for a short section, then enters Oyster Bay Regional Shoreline. North of here is Oakland International Airport.

Access Information

The bridge across San Lorenzo Creek was destroyed by the El Nino floods of 1998. Since it was rebuilt the fall of 1999, the Bay Trail is a continuous off-road trail from the visitor's center at the Marina Park, all the way to San Leandro's Marina Park.

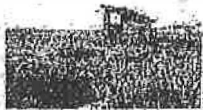
The most direct route to the trailhead is from the end of Lewelling Blvd. Take the Hesperian off-ramp from I-880 to Lewelling westbound. Follow Lewelling across the railroad tracks. It turns into Bayfront Drive and ends at the intersection with Heron Drive. A small park and interpretive displays are at the intersection. Heed the private parking signs. The paved trail begins here and heads west towards the Bay.

The trail can be taken from the northern end at Marina Park. Take the Marina Blvd. exit from I-880 and head west. Marina turns left at Neptune Drive. Take Neptune Drive south until it ends at Marina Park. Park here. Cross the bridge over the flood control channel at the south end of the park to reach the trail heading towards San Lorenzo Creek.

Trail Description and Views

Click on the following pictures to see a larger version.

(Note: the mileage readings below are from a bicycle odometer. Your mileage may vary.)



The trail begins at the small, newly-built park at the intersection of Bayfront Drive and Heron Drive. The park has lawns, trees, benches, and gardens. A small stand here has interpretive signs describing the history of the area and the marsh restoration. The paved trails between the housing development and the large slough through the marsh are part of the Heron Bay Trail. Interpretive kiosks are placed periodically along the trail and provide more information on the natural and human history of the area. Follow the paved path west.



At 0.14 miles, the trail comes to a junction. Straight ahead leads to the Bay. The trail to the left leads to San Lorenzo Creek. Take the trail to the left. This passes between the new housing development and the restored marsh. At 0.35 miles, the path passes by a fenced-off stormwater-filtering pond. Several paths along the way lead into the local neighborhood. At 0.57 miles, the trail reaches the banks of San Lorenzo Creek. The paved path follows the creek to the right. At 0.80 miles, the paved trail ends at the bridge over San Lorenzo Creek. It connects to the Bay Trail along the Bayfront Drive. If you do not want to or cannot proceed on dirt and gravel trails, turn around here and backtrack to the turnoff from the main trail, then head west towards the Bay. Otherwise, continue straight ahead.



A gravel path leads farther downstream along the creek, then turns right into the marsh. A narrow informal footpath continues along the bank of the creek, but becomes muddy before it reaches the mouth of the slough channel on the creek. Several dirt trails lead through the marsh to the north. A large slough channel cuts inland and parallels the bayshore. Take the largest dirt trail to the right. The first branch to the left will be used for a return trip. Stay to the right.

**LAW OFFICES OF
A. ALAN BERGER
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San Jose, CA 95113
Telephone: 408-536-0500
Facsimile: 408-536-0504**

June 13, 2014

Ande Bennett
San Francisco Bay Conservation and Development Commission
455 Golden Gate Avenue, Suite 10600
San Francisco, CA 94102

VIA FACSIMILE (415=352-3606) and Overnight Mail

Re: Heron Bay HOA: Re: Proposed Construction of Access Gates at Bayfront Drive
And Required Shoreline Access from Lewelling Blvd, in the City of San Leandro
(BCDC Permit No. 1992.057 and Environmental File No. ER2014.015)

Dear Ms. Bennett;

This is to inform you that I am the attorney for the Heron Bay Homeowners Association. The Board of Directors has asked me to respond to your letter of June 12, 2014. I am in receipt of earlier communications that you have had with the association regarding the above-proposed application.

I wanted to thank you for outlining in a timely fashion BCDC's current issues regarding the proposed entry gate. As you are aware, the HOA is proposing the gate because of an alarming increase in crime in the area including a recent homicide and a strong-armed robbery (June 7, 2014). This letter is designed to address your immediate concerns with the entry gate application and is not to be considered an application for a change in permit status based on the increased in crime statistics in the immediate area.

As you know the association currently has a permit application that will be heard on June 19, 2014. We fear that the City of San Leandro will use BCDC's current objections to deny our application. We hope by this letter to convince BCDC to modify their position and allow the approval of the proposed entry gate. This is a matter of great concern to the residents of Heron Bay, as they feel increasingly threatened in their own neighborhood.

Let us first state that by this correspondence, Heron Bay Homeowners Association agrees that they are the successor in interest to the permit granted to Citation Homes, the original applicant. We did want to make it perfectly clear that until the HOA received your earlier letter, that they had no idea that Citation had failed to prepare and file the legal instrument to guarantee the public access. The association accepts this responsibility and

thanks you for your reference to the proper filing materials. We will work with your office and will have this resolved and filed long before the deadline dates that you have established. However, as my client had no responsibility for this prior omission, we would suggest that this future filing should not be cause for BCDC to object to the pending gate application. We will complete the legal requirements for public access and we would point out that the Tract Map 6810, which was prepared in 1996/1997 also records the requirement for public access. The association has always recognized this obligation and has protected it on behalf of all members of the public.

This correspondence will also inform you that the Board of Directors met on June 11, 2014 and voted unanimously to amend their application to state that the pedestrian gate will remain open 24/7. It will not be locked at any time and will be available for public access at all times. As you stated in your earlier correspondence, the association will apply for an amendment to the permit if they feel at a later time that the factual situation would suggest that the gate be locked at night. However, the association has no intention to do so at this time. The fact that the gate will now remain open at all times for public access should alleviate your earlier concern.

We disagree that the placement of the gate, and the corresponding opening width of the gate, violates the language of the permit. The Tract Map, which obviously incorporated the requirements of the 1994 permit for public access, notwithstanding the fact that the legal document BCDC requires was not completed by Citation, shows the public access and the 8' wide and 12' wide spaces to which you refer to commence on the Westerly portion of the existing circle (please recall that the land comprising the circle is actually owned by the City of San Leandro). The gate allows full access to all width requirements as soon as a member of the public passes through the gate onto Heron Bay property.

What public access could possibly be hampered by the presence of a 4' wide gate opening? There is no bicycle, skateboard or, hopefully, person who could not easily pass thorough a space of this size. We ask you to again recall that the permit did not call for vehicular access and nothing on the permit speaks of vehicle access. In fact the Tract map clearly states that vehicular access to the private streets, owned by Heron Bay Homeowners Association, is subject to the permission of the owner. The streets that are found on the westerly side of the proposed gate are private and do not provide public access or provide for public parking. The association will and has always towed non-resident vehicles that park in this area. Therefore, we fail to see how the BCDC can logically raise the width of the gate as a legitimate objection to the application when said gate obviously allows for full public access other than vehicular.

As stated above the installation of these gates are of great concern to the residents of Heron Bay. Based on current events they literally fear for their lives on their own property and this is truly a sad state of affairs. The association will continue to work with BCDC to insure full public access as originally specified. The association has never undertaken any action to deny full public access and they will continue to religiously protect this right. They do not, however, feel that the installation of the proposed gates will in any way affect legitimate public access. We ask the BCDC, in light of the above concessions, to rethink its position and to inform the City of San Leandro and the

appropriate authorities that it has no objection to the proposal conditioned upon the association completing the guarantee documents in a timely fashion.

Thank you for your attention to this matter and your anticipated cooperation. If you have any questions, please feel free to call the undersigned at any time.

Very truly yours,

A. Alan Berger

Cc: Client
AAB/ceb

Heron Bay Criminal Activity Detail for Period 12/17/13 - 6/16/14
Excerpts from CrimeReports.com

EXHIBIT "F" Page 192

	A	B	C	D	E
1	Date		Incident		ID #
2					
3	12/17/2013		Alarm		2013-00060127
4	12/22/2013		Alarm		60917
5	12/24/2013		Assault & Battery		61317
6	12/26/2013		Burglary		61473
7	12/30/2013		Auto Burglary		62147
8	1/3/2014		Alarm		2014-00000346
9	1/5/2014		Alarm		624
10	1/7/2014		Pursuit		879
11	1/17/2014		Alarm		2655
12	1/19/2014		Suspicious Circumstances		3089
13	1/20/2014		Alarm		3172
14	1/25/2014		Alarm		4065
15	1/28/2014		Alarm		4578
16	2/1/2014		Suspicious Person		5287
17	2/4/2014		Alarm		5822
18	2/6/2014		Stolen Vehicle		6059
19	2/6/2014		Stolen Vehicle Recovery		6077
20	2/10/2014		Suspicious Vehicle		6624
21	2/11/2014		Alarm		6898
22	2/12/2014		Theft		7217
23	2/14/2014		Stolen Vehicle		7255
24	2/16/2014		Vandalism		7724
25	2/21/2014		Burglary		8657
26	2/23/2014		Alarm		8928
27	2/24/2014		Alarm		9149
28	3/8/2014		Alarm		10965
29	3/10/2014		Alarm		11313
30	3/18/2014		Alarm		12499
31	3/20/2014		Alarm		12857
32	3/21/2014		Alarm		13038
33	3/22/2014		Stolen Vehicle		13148
34	3/23/2014		Alarm		13349
35	3/24/2014		Alarm		13385
36	3/24/2014		Alarm		13402
37	3/29/2014		Alarm		14229
38	3/30/2014		Suspicious Person		14358
39	3/31/2014		Alarm		14511
40	4/1/2014		Alarm		14766
41	4/4/2014		Alarm		15238
42	4/5/2014		Stolen Vehicle		15402
43	4/9/2014		Assault/Battery		16172
44	4/11/2014		Alarm		16392
45	4/21/2014		Alarm		18180
46	4/23/2014		Alarm		18572

	A	B	C	D	E
47	4/26/2014		Alarm		19072
48	4/27/2014		Alarm		19235
49	4/30/2014		Vandalism		19636
50	5/2/2014		Alarm		19996
51	5/12/2014		Alarm		21537
52	5/18/2014		Alarm		22603
53	5/19/2014		Burglary		22744
54	5/19/2014		Alarm		22806
55	5/22/2014		Alarm		23276
56	5/24/2014		Alarm		23653
57	5/28/2014		Theft		24189
58	5/31/2014		Alarm		24650
59	5/31/2014		Alarm		24659
60	6/2/2014		Suspicious Vehicle		25134
61	6/5/2014		Bike Stop 12:00 a.m.		22527
62	6/6/2014		Hit & Run		25848
63	6/9/2014		Vandalism		26330
64	6/9/2014		Suspicious Vehicle		26334
65	6/10/2014		Theft		26451
66	6/10/2014		Suspicious Vehicle		26551
67	6/11/2014		Suspicious Vehicle		26731
68	6/12/2014		Alarm		26838
69	6/12/2014		Suspicious Vehicle		26891
70	6/13/2014		Suspicious Vehicle		27068



SAN LEANDRO POLICE DEPARTMENT

901 E 14TH STREET SAN LEANDRO, CA 94577 DJOSEPH@SANLEANDRO.ORG

CRIME ANALYSIS

Heron Bay Crime Comparison May 9, 2011– May 8, 2014

This memo is in regards to a request from the City of San Leandro Planning Department for public safety incidents at Heron Bay in comparison with other City of San Leandro neighborhoods. For the purpose of this comparison I chose the Marina Vista neighborhood, which is in a similar geographical and demographical neighborhood, although smaller than, Heron Bay. I also chose to compare it to the Mission Bay Mobile Home Park, as it is similar in geographical area, however the demographic is different. I compared the # of incidents with the number of residential units in each neighborhood, which was provided by the Planning Department. It should be noted that incidents reported do not necessarily indicate that a case report was written, or the incident was an actual crime.

The data selected for this comparison is Incident data; which is any contact with the Police Department for service that is recorded in CAD. These can be either Citizen directed, or Employee directed, and cover all incidents for the past 3 years. Below is a table for comparison of the top 9 most frequent incidents reported by Citizen in Heron Bay, as well as a total incident comparison between neighborhoods. Violent Crime includes: homicide, robbery, car jacking, battery, & assault with deadly weapon.

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	Stolen Vehicle	14	0.022
Marina Vista	Stolen Vehicle	1	0.004
Mission Bay	Stolen Vehicle	1	0.002

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	Burglary	21	0.033
Marina Vista	Burglary	9	0.036
Mission Bay	Burglary	6	0.016

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	Auto Burglary	18	0.028
Marina Vista	Auto Burglary	5	0.020
Mission Bay	Auto Burglary	1	0.002

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	Suspicious Person	23	0.036
Marina Vista	Suspicious Person	10	0.040
Mission Bay	Suspicious Person	14	0.038

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	Suspicious Vehicle	46	0.073
Marina Vista	Suspicious Vehicle	13	0.052

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	Security Check	18	0.028
Marina Vista	Security Check	3	0.012
Mission Bay	Security Check	9	0.024

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	Ascertain Welfare	21	0.033
Marina Vista	Ascertain Welfare	5	0.020
Mission Bay	Ascertain Welfare	46	0.133

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	Disturbance	120	0.190
Marina Vista	Disturbance	9	0.036
Mission Bay	Disturbance	29	0.079

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	Violent Crime	15	0.023
Marina Vista	Violent Crime	3	0.012
Mission Bay	Violent Crime	2	0.005

Neighborhood	Incident type	# of incidents	Per residential unit
Heron Bay	All	773	1.23
Marina Vista	All	306	1.23